

%LAO 247 (02/08) Order Regarding Motion for Sentence Reduction

## UNITED STATES DISTRICT COURT

for the

Northern District of Ohio

United States of America

v.

Brian Boggs

Date of Previous Judgment: January 12, 2006

(Use Date of Last Amended Judgment if Applicable)

)

)

) Case No; 1:05CR346 - 003

) USM No; 55100-060

) FPD NDO

) Defendant's Attorney

### Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 32 months is reduced to 26 months. *IN PART CAB.J.*

#### I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 15  
Criminal History Category: IV  
Previous Guideline Range: 30 to 37 months

Amended Offense Level: 13  
Criminal History Category: IV  
Amended Guideline Range: 24 to 30 months

#### II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☒ The reduced sentence is within the amended guideline range.  
☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range,  
☐ Other (explain):

#### III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 1/12/06 shall remain in effect.

IT IS SO ORDERED.

Order Date: 2/29/08

Effective Date: 3/10/08  
(if different from order date)

Christopher A. Boyko  
Judge's signature

Judge Christopher A. Boyko  
United States District Court

FILED

FEB 29 2008

CLERK OF COURTS  
U.S. DISTRICT COURT, N.D.O.  
CLEVELAND